

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

PAUL BRUMFIELD,

Plaintiff,

v.

CIVIL ACTION NO. 2:09-cv-01223

NAOMI ROBERTS, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

Before the Court is Defendants Naomi Roberts, Suhbash Gajendragakar and Defendant Denominated as Wexford Medical Inc.'s Motion to Dismiss [Docket 13]. By Standing Order entered August 1, 2006, and filed in this case on November 6, 2009, this action was referred to United States Magistrate Judge Mary E. Stanley for submission of proposed findings and a recommendation (PF&R). Magistrate Judge Stanley filed her PF&R [Docket 19] on February 16, 2010, recommending that this Court deny the motion of Defendants Roberts, Gajendragakar and Wexford Medical because Plaintiff's complaint sufficiently states a claim upon which relief can be granted against these defendants.

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir.1989);

United States v. Schronce, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections to the PF&R in this case were due on March 5, 2010. To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R [Docket 13], and **DENIES** Defendants Naomi Roberts, Suhbash Gajendragakar and Defendant Denominated as Wexford Medical Inc.’s Motion to Dismiss [Docket 13].

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: July 13, 2010



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE